

DENTAL BOARD OF CALIFORNIA

Proposed Regulation

Amend Section 1016 and 1017 of Division 10 Title 16 of the California Code of Regulations to read as follows:

§1016. Providers and Courses.

(a) Course of Study Defined. "Course of study" means an orderly learning experience in the area of dental and medical health, preventive dental services, diagnosis and treatment planning, clinical procedures, basic health sciences, dental practice administration, or the Dental Practice Act and other laws specifically related to dental practice which is designed to directly enhance the licensee's knowledge, skill or competence in the provision of service to patients or the community.

(1) Category I: Courses in this category shall include courses in the actual delivery of dental services to the patient or the community. Such courses shall also include:

(A) Mandatory courses required by the Board for license renewal, such as Infection Control, California Dental Practice Act and a course in Basic Life Support as approved by American Red Cross or American Heart Association. At a minimum, course content for Infection Control shall include all content of Section 1005. At a minimum, course content for the Dental Practice Act [Division 2, Chapter 4 of the Code (beginning with §1600)] shall instruct on acts in violation of the Dental Practice Act and attending regulations, and other statutory mandates relating to the dental practice. This includes utilization and scope of practice for auxiliaries; scope of practice for dentists; laws governing the prescribing of drugs; citations, fines, revocation, and suspension, ~~and license renewal,~~ and the mandatory reporter obligations set forth in the California Penal Code (Chapter 2 of Title 1 of Part 4), and the clinical signs to look for in identifying when the obligations may arise.

(B) Courses in preventive services, diagnostic protocols and procedures (including physical evaluation, radiography, dental photography), ~~and comprehensive treatment planning, charting of the oral conditions, informed consent protocols and recordkeeping.~~

(C) Courses dealing primarily with nutrition and nutrition counseling of the patient.

(D) Courses in corrective and restorative oral health treatment.

(E) Courses in dentistry's role in individual and community health emergencies, ~~and~~ disasters, and disaster recovery.

(F) Courses that pertain to the legal requirement governing the licensee in the areas of auxiliary employment and delegation of responsibilities; the Health Insurance Portability and Accountability Act (HIPAA); actual delivery of care; and workplace, environmental and general safety.

(G) Courses addressing office instrument sterilization systems.

(H) Courses in peer evaluation and case studies that include reviewing clinical evaluation procedures, reviewing diagnostic methods, studying radiographic data, study models and treatment planning procedures. For each license renewal period, no more than 30 percent of a

licensee's total required course unit credits, as established by regulations, can be obtained from this subsection.

(I) Courses pertaining to the administration of general anesthesia, conscious sedation, oral conscious sedation and medical emergencies.

(J) Courses on the evaluation, selection, use and care of dental instruments.

(K) Courses in dependency issues and substance abuse such as alcohol and drug use as it relates to patient safety, professional misconduct, ethical considerations or malpractice.

(2) Category II: Courses in this category shall include other courses directly related to the practice of dentistry. Such courses shall include:

(A) Courses addressing the evaluation, improvement and/or methods of correction for recall and scheduling systems.

(B) Courses in organization and management of the dental practice including office design, and ergonomics, and the improvement of office operations for the patient's benefit and/or to improve the continuity of care provided to the patient.

(C) Courses addressing the implementation and/or mechanism of alternative delivery systems.

~~(D) Courses addressing patient record keeping.~~

(D) Courses in cultural competencies such as, but not limited to, bilingual dental terminology, cross-cultural communication, provision of public health dentistry and management of the special needs patient, when oriented specifically to the needs of the dental patient and will serve to enhance the patient experience.

(E) Courses in skills such as communication, behavioral sciences, patient management and motivation when oriented specifically to the needs of the dental practice and will improve the health of the patient.

F) Courses in ~~other~~ subjects of direct concern to dentistry such as ~~dental legal~~ legal matters pertaining to dentistry, including but not limited to business and risk management, liability, and malpractice, employment law, and employment practices, leadership, ethics, and team development.

(G) Courses in methods of health care delivery and sociopolitical problems directly involving dentistry.

(H) Courses in teaching methodology designed specifically for educators and providers of education in order to meet regulatory compliance in dental related subjects.

(I) Courses addressing the computerized dental office when the topic involves records management, security or new technology designed primarily for improved patient care.

(3) Courses considered to be outside the scope of the continuing education program and shall not be recognized for continuing education credit for California licensees include, but are not limited to, those in the following areas:

(A) money management, the licensee's personal finances or personal business matters;

- (B) basic educational or cultural subjects not related to the practice of dentistry;
- (C) general physical fitness or the licensee's personal health;
- (D) presentations by political or public figures or other persons that do not deal primarily with dental practice;
- (E) basic skills such as memory training and speed reading;
- ~~(F) courses addressing the computerized dental office when the topic involves record management or new technology designed primarily for the licensee's understanding and benefit;~~
- ~~(G)~~ (F) courses designed to make the licensee a better business person or designed to improve licensee or staff motivation;
- ~~(H)~~ (G) courses pertaining to the improvement of office operations, licensee and staff convenience, or profit motive;
- ~~(I)~~ (H) courses which address increased office production; financial planning; employee benefits; marketing or motivational topics to increase productivity or profitability;
- (I) courses pertaining to the purchase or sale of a dental practice, business or office; courses in transfer of practice ownership, acquisition of partners and associates, practice valuation, practice transitions, or retirement;
- (J) courses in which the primary beneficiary is the licensee.
- (K) courses pertaining to cosmetic enhancement or alterations of the soft tissues of the face such as, but not limited to, the use of medications, injectable agents, or devices for these purposes and where treatment of this nature is defined by the Dental Practice Act as being outside the scope of practice for the licensee unless a special permit is obtained from the board to perform such procedures pursuant to Section 1638.1 of the Code.

(b) Application and Renewal.

- (1) A "registered provider" is one who offers courses of study for credit toward satisfying the continuing education requirements of the board. Application for registration as a provider shall be made on a form prescribed by the board and shall be accompanied by the fee required by section 1021 and documentation that the provider meets the requirements set forth below.
- (2) Every provider's registration expires two years from the date of its issuance. A provider may renew its registration by filing an application for renewal on a form prescribed by the board, accompanied by the fee required by section 1021 and a list of all courses offered during the last renewal period pursuant to its registration, the name and qualifications of each instructor, ~~and~~ a summary of the content of each course of study, and a sampling of the provider's written certification issued to participants.

(c) Standards for Registration. Those providers requesting registration shall meet the following criteria:

- (1) Each course of study shall be conducted on the same educational standards of scholarship and teaching as that required of a true university discipline and shall be supported by those facilities and educational resources necessary to comply with this requirement. Every instructor shall have education or experience within the last five years in the subject being taught. Each

course of study shall clearly state educational objectives that can realistically be accomplished within the framework of the course. Teaching methods for each course of study shall be described (e.g., lecture, seminar, audiovisual, clinical, simulation, etc.). Each participant shall be given the opportunity to provide a written evaluation of the quality of the course.

(2) The topic of instruction shall conform to subsection (a) above.

(3) An opportunity to enroll in such courses of study is available to all dental licensees.

(4) Reference by providers to courses offered for credit toward satisfying the board's continuing education requirements shall be limited to the announcement: "This provider is authorized to confer _____ units of California continuing education credit" and shall indicate the appropriate category from subsection (a) in which course is assigned.

(d) Enforcement and Availability of Records. The board will not give prior approval to individual courses unless a course is required as a mandatory license renewal course. The minimum course content of all mandatory continuing education courses for all registered providers is set out in subsection (a)(1)(A). Providers shall be expected to adhere to these minimum course requirements or risk registered provider status. Beginning January 1, 2006, all registered providers shall submit their course outlines for Infection Control and California Dental Practice Act to the board staff for review and approval. Any course content changes to approved courses shall require a new course outline submission for approval by the Board. All new applicants for provider status shall submit course outlines for mandatory education courses at the time of application and prior to instruction of mandatory education courses. In addition, the board will randomly audit other courses submitted for credit in addition to any course for which a complaint is received. If an audit is made, course organizers will be asked to submit to the board:

(1) Faculty curriculum vitae;

(2) Course content;

(3) Educational objectives;

(4) Teaching methods;

(5) Evidence of evaluation;

(6) Attendance records.

(e) Withdrawal of Registration.

(1) The board retains the right and authority to audit or monitor courses given by any provider. The board may withdraw or place restrictions on a provider's registration if the provider has disseminated any false or misleading information in connection with the continuing education program, fails to comply with regulations, misrepresents the course offered, makes any false statement on its application or otherwise violates any provision of the Dental Practice Act or the regulations adopted there under.

(2) Any provider whose registration is withdrawn or restricted shall be given a hearing before the board prior to the effective date of such action. The provider shall be given at least ten days notice of the grounds for the proposed action and the time and place of such hearing.

(f) Units of Credit for Attendance. One unit of credit shall be granted for every hour of contact instruction and may also be issued in half-hour increments. Such increments shall be

represented by the use of a decimal point in the first two numbers of the 11-digit registration number of the course. This credit shall apply to either academic or clinical instruction. Eight units shall be the maximum continuing education credits granted in one day.

(g) Provider Responsibility.

(1) It shall be the responsibility of the provider to furnish a written certification to the licensee certifying that the licensee has met the attendance requirements of the course. Such certification shall not be issued until completion of the course and shall contain the provider's name, the 11-digit course registration number in the upper left hand corner of the certificate, dates attended and units earned filled in by the provider. Additionally, space shall be provided for the licensee's printed name, signature and license number.

(2) When two or more registered providers co-sponsor a course, only one provider number shall be used for that course and that provider must assume full responsibility for compliance with the requirements of this article.

(3) Only Board-approved providers whose course outlines for Infection Control and California Dental Practice Act may issue continuing education verification slips to participants of these courses.

(4) The instructor of the course shall only be eligible to receive one unit per year of continuing education credit for the course or courses they provide.

(h) Out of State Course. A licensee who attends a course or program which meets all requirements for continuing education courses but which was given outside California by an unregistered provider may request continuing education credit by submitting information on course content and duration to the board and furnishing evidence from the provider of the course that the licensee was in attendance. In the case of a scientific meeting or convention, such evidence shall indicate that the licensee attended the specific lecture for which credit is requested. When the necessary requirements have been fulfilled, the board may issue a written certification, which the licensee may then use for documentation of continuing education credits.

NOTE: Authority cited: Sections 1614 and 1645, Business and Professions Code. Reference: Section 1645, Business and Professions Code.

§ 1017. Units Required for Renewal of License.

(a) Effective January 1, 2006 as a condition of renewal, licensees are required to complete continuing education units for license renewal in each of the following subjects:

(1) Infection Control and (2) California Dental Practice Act and attending regulations. Dentists and Dental Auxiliaries will be required to complete a minimum of 80% of their required units for license renewal in Category I subjects including two units of continuing education in Infection Control and two units in the California Dental Practice Act, and no more than 20% of their required units in Category II subjects. The mandatory units will count toward the total units required to renew a license, however, failure to complete the mandatory courses will result in non-renewal of a license. Any continuing education units accumulated before January 1, 2006, that meet the requirements in effect on the date the units were accumulated will be accepted by the board for license renewals taking place on or after January 1, 2006.

(b) Every licensee shall accumulate the continuing education units equal to the number of units indicated below during the biennial license renewal period and shall assure the board that

he/she will accumulate such units during the succeeding two year renewal period; except that those new licensees who have been issued a license to practice for a period less than 2 years shall commence accumulating continuing education credits with the next biennial renewal period occurring after the issuance of a license to practice. As part of the continuing education requirements, each licensee shall complete, at least once every two years, a course in basic life support approved by the American Red Cross or the American Heart Association. Each licensee who holds a general anesthesia permit shall complete, as a condition of permit renewal, continuing education requirements pursuant to Section 1646.5 of the Business and Professions Code at least once every two years, and either (1) an advanced cardiac life support course which is approved by the American Heart Association and which includes an examination on the materials presented in the course or (2) any other advanced cardiac life support course which is identical in all respects, except for the omission of materials that relate solely to hospital emergencies or neonatology, to the course entitled "Guidelines 2000 for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care" published by the American Heart Association in August 2000, which is incorporated herein by reference. Each licensee who holds a conscious sedation permit shall complete, as a condition of permit renewal, continuing education requirements pursuant to Section 1647.5 of the of the Business and Professions Code. Each licensee who holds an oral conscious sedation permit for minors, as a condition of permit renewal, shall complete continuing education requirements pursuant to Section 1647.13 of the of the Business and Professions Code. Each licensee who holds an oral conscious sedation permit for adults, as a condition of permit renewal, shall complete continuing education requirements pursuant to Section 1647.21 of the of the Business and Professions Code . Refusal to execute the required assurance shall result in non-renewal of the license.

(1) Dentists: 50 units.

(2) Registered dental hygienists: 25 units.

(3) Registered dental assistants: 25 units.

(4) Registered dental hygienists in extended functions: 25 units.

(5) Registered dental assistants in extended functions: 25 units.

(6) Registered dental hygienists in alternative practice: 35 units.

(c) Notwithstanding any other provisions of this code, tape recorded courses, home study materials, video courses, and computer courses are considered correspondence courses and if from registered providers, will be accepted for credit up to, but not exceeding, half of the total required credits. Interactive instruction courses, such shall be defined as live lecture, live telephone conferencing, live video conferencing, or live classroom study from registered providers, will be accepted for full credit.

(d) The license of any person who fails to accumulate the continuing education units set forth in (a) and (b), or to assure the board that he/she will accumulate such units, shall not be renewed until such time as the licensee complies with those requirements.

(e) A licensee who has not practiced in California for more than one year because the licensee is disabled need not comply with the continuing education requirements of this article during the renewal period within which such disability falls. Such licensee shall certify that he/she is eligible for waiver of the continuing education requirements. A licensee who ceases to be eligible for such waiver shall comply with the continuing education requirements for subsequent renewal periods.

(f) A licensee who applies for license renewal shall, on a form provided by the board, provide a summary of continuing education units earned during the license renewal period. The licensee shall retain for a period of four years the certifications issued to him/her at the time he/she attended the course and shall forward such certifications to the board only upon request by the board. A licensee who fails to retain a certification shall contact the provider and obtain a duplicate certification. Providers may issue duplicate certifications only to licensees whose names appear on the provider's roster of course attendees. The certification shall be clearly marked "duplicate" and shall contain the licensee's name, as well as the provider's name, 11-digit course registration number, dates attended, and units earned. Any licensee who furnishes false or misleading information to the board regarding his continuing education units shall be subject to disciplinary action. The board will audit such licensee records as it deems necessary to assure that the continuing education requirements are met.

Note: Authority cited: Sections 1614 and 1645, Business and Professions Code. Reference: Sections 1645, 1646.5 and 1647.5, Business and Professions Code.